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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,301	11/03/2000	Koichi Saito	207198	6724

23460 7590 11/17/2004

LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

EWOLDT, GERALD R

ART UNIT PAPER NUMBER

1644

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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1104

DATE MAILED:

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Commissioner for Patents

In the Response to the Office action mailed 4/28/04, Applicant has submitted claims drawn to a different invention. Applicant is advised that the claims under examination were drawn to "an adjuvant vaccine". Applicant has now amended the claims to recite "an adjuvant". Adjuvants and vaccines are patentably distinct inventions.

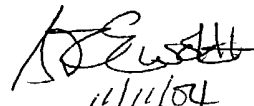
Since Applicant has received an action on the merits for the originally presented invention, i.e., a vaccine, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, the response filed 8/30/04 is considered to be non-responsive.

Applicant is advised that upon the refiling of the application a change of inventions would be allowed.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (571) 272-0843. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

G.R. Ewoldt, Ph.D.  
Primary Examiner  
Technology Center 1600

  
11/11/04  
G.R. EWOLDT, PH.D.  
PRIMARY EXAMINER